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Attorneys for Defendant
WHITEHAWK VENTURES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FAB.COM, INC.

Plaintiff,

v.

WHITEHAWK VENTURES, INC.,

Defendant.

Case No.: 3:12-cv-04191-JSC EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING THE
HEARING DATE ON
DEFENDANT'S MOTION TO
DISMISS**

1 WHEREAS, on November 5, 2012, Plaintiff filed a First Amended Complaint against
2 Defendant Whitehawk Ventures, Inc., purporting to allege claims for copyright infringement,
3 trademark and trade dress infringement, unfair competition, breach of contract, unjust
4 enrichment, breach of the implied covenant of good faith and fair dealing, an accounting and
5 constructive trust and injunction;

6 WHEREAS, on November 19, 2012, Defendant filed a Motion to Dismiss the First
7 Amended Complaint;

8 WHEREAS, a hearing on Defendant's Motion to Dismiss is currently scheduled for
9 January 17, 2013, at 1:30 p.m.;

10 WHEREAS, the parties are actively engaged in settlement discussions;

11 WHEREAS, the parties have agreed to request a continuation of the hearing until
12 February 28, 2013;

13 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

14 1. The hearing on Defendant's Motion to Dismiss currently set for January 17, 2013
15 shall be continued until February 28, 2013, or as soon thereafter as the matter may be heard.

16 2. This stipulation is without prejudice to the rights, claims, or defenses of any party.

17 3. This is the second modification in the case (the first one being an extension by
18 stipulation for Defendant's time to answer Plaintiff's original complaint), and the change will not
19 alter the date of any event or any deadline already affixed by Court order.

20 Dated: January 16, 2013

21 /s/ Colleen Bal
Colleen Bal
WILSON SONSINI GOODRICH & ROSATI
22
Attorneys for Defendant
23 Whitehawk Ventures, Inc.

24 /s/ Holly Pranger
Holly Pranger
25 PRANGER LAW GROUP

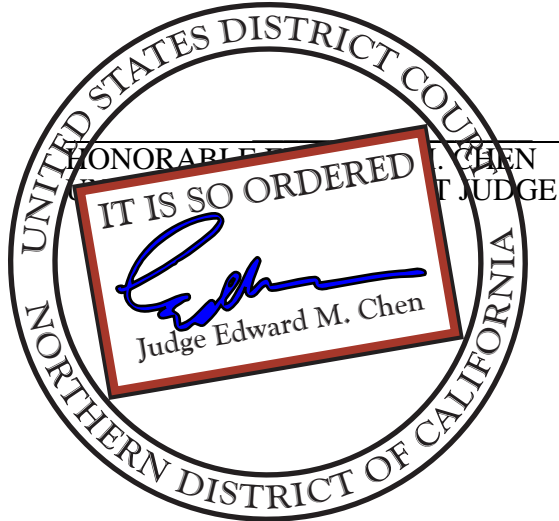
26 Attorneys for Plaintiff
27 Fab.com, Inc.
28

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that Defendant Whitehawk Ventures, Inc.'s Motion to Dismiss is hereby postponed to February 28, 2013 at 1:30pm.

1/16/13

DATED _____



ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Colleen Bal, hereby attest that concurrences in the filing of this document have been obtained from each of the signatories.

/s/ Colleen Bal
Colleen Bal